

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANTHONY P. DE LOS SANTOS,

Petitioner,

vs.

ROB JEFFREYS, Director; and NEB. DEPT.  
CORR. SERVICES,

Respondents.

**4:24CV3168**

**MEMORANDUM AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#), [Filing No. 1](#), a Motion for Leave to Proceed in Forma Pauperis (the “IFP Motion”), [Filing No. 2](#), and a motion for summons, [Filing No. 4](#).

The Court is required to examine [§ 2254](#) petitions to ascertain as a preliminary matter whether “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in district court.” Rule 4 of the Rules Governing [§ 2254](#) Cases. In his motion for summons Petitioner appears to seek service of the Petition. *Id.* However, as the Court has not yet conducted a preliminary review of Petitioner’s Petition, the motion for summons is premature and shall be denied without prejudice.

Petitioner also filed his IFP Motion seeking to proceed without the payment of fees. [Filing No. 2](#). Habeas corpus cases attacking the legality of a person’s confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). After considering Petitioner’s financial status as shown in the records of this Court (see inmate trust account statement at [Filing No. 3](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. See [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that:

1. Petitioner's motion for summons, [Filing No. 4](#), is denied without prejudice as premature.

2. The Motion for Leave to Proceed in Forma Pauperis, [Filing No. 2](#), is granted.

3. The next step in this case is for the Court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The Court will conduct this review in its normal course of business.

Dated this 8th day of October, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon  
Senior United States District Court